



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Mamdouh Yanni et al.
ASSIGNEE: Destinator Technologies, Inc.
APPLICATION NO.: 11/824,234
FILING DATE: June 29, 2007
TITLE: Magnetometer Normalization
ART UNIT: 2862
ATTY.DKT.NO.: PA4247US

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify this document is being deposited with the United States Postal Service with sufficient postage for delivery as First Class Mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2007:


V. Randall Gard

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PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed July 19, 2007, Destinator Technologies, Inc., (the "Assignee") the assignee of record for U.S. patent application number 11/824,234 (the "Application") and otherwise having a sufficient proprietary interest in the Application submits the following written petition as provided for by 35 U.S.C. § 116, 37 C.F.R. § 1.181, and 37 C.F.R. § 1.47(a).

The Assignee submits the present PETITION PURSUANT TO 37 C.F.R. § 1.47(A) as Mamdouh Yanni—a joint inventor for the Application—refuses to join in this application for patent. It is, therefore, requested that the U.S. Patent and Trademark Office (the "Patent Office") grant the Application 'Rule 47 Status' whereby the other inventors may join in the application for patent on their own behalf as well as on behalf of the non-signing inventor.

10/29/2007 CKHLOK 00000011 060600 11824234

01 FC:1463 70.00 DA 130.00 OP

09/21/2007 RHEBRIGHT 00000055 11824234

02 FC:1464 130.00 OP

Adjustment date: 10/29/2007 CKHLOK

09/21/2007 RHEBRIGHT 00000055 11824234

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POINTS TO BE REVIEWED AS REQUIRED BY 37 C.F.R. § 1.181

[018] The Assignee submits two points for review as a part of the present petition:

(1) has co-inventor Mamdouh Yanni refused to execute the declaration of inventorship?

(2) has the Assignee evidenced pertinent proof in support of said refusal?

[019] The Assignee contends that it has evidenced proof that Mamdouh Yanni implicitly refuses to execute the declaration of inventorship for the present application. The non-responsiveness of Mamdouh Yanni with respect to the overtures by Alexei Gavriline and V. Randall Gard as they pertain to the Application and as detailed in the STATEMENT OF FACTS are tantamount to a refusal to execute the declaration of inventorship

[020] The Assignee contends that the aforementioned STATEMENT OF FACTS as supported by the DECLARATION OF ALEXEI GAVRILINE and the DECLARATION OF V. RANDALL GARD and its associated exhibits constitute pertinent proof of said refusal.

REQUIRED FEE UNDER 37 CFR § 1.17(G)

[021] The Assignee has, concurrent with the present petition, submitted the requisite fee as required by 37 C.F.R. § 1.17(g) as well as the surcharge prescribed by 37 C.F.R. § 1.16(f). The Patent Office has previously been — and remains — authorized to charge any additional fee due to Deposit Account 06-0600.

LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

[022] As set forth in the STATEMENT OF FACTS and the DECLARATION OF V. RANDALL GARD, the last known addresses of the non-signing inventor is:

31 Westmoreland Court
Markham, Ontario
Canada L3R 8L9

The address for the signing inventors was previously indicated in the declaration of inventorship submitted concurrent with the Application and re-submitted herewith.

REQUISITE DECLARATION OF THE SIGNING INVENTOR(S)

- [023] A declaration executed by the remaining co-inventors — Alexei Gavriline, Ming He, Warren Tom, and Joseph Schembri — was filed concurrently with the Application. In order to expedite processing of the present petition, a true and correct copy of that declaration is re-submitted herewith.
- [024] In accordance with MPEP § 409.03(a)(A)(2), the aforementioned declaration has left the signature block for co-inventor Mamdouh Yanni blank such that it "may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated." No indication to the contrary is presented in said declaration.

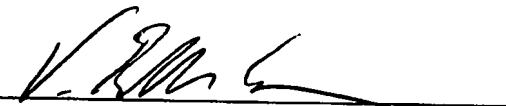
ACTION REQUESTED

- [025] The Assignee respectfully requests that the Patent Office grant the Application 'Rule 47 Status' whereby the other inventors may join in the application for patent on their own behalf as well as on behalf of the non-signing inventor.
- [026] The Assignee's agents, employees, and/or authorized representative believe they have evidenced good faith, reasonable, and diligent efforts to contact the non-signing inventor Mamdouh Yanni to obtain the necessary declaration of inventorship for the Application.
- [027] The Assignee believes that the fact submitted herewith evidence that the non-signing inventor has implicitly indicated a refusal to execute the necessary declaration for the Application.

Respectfully submitted,
Mamdouh Yanni et al.
on behalf of Real-Party-in-Interest
Destinator Technologies, Inc.

September 19, 2007

By:


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